

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE M. FELICIANO

Plaintiff,

v.

TOM DART, et al.

Defendants.

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1:12-cv-10232

The Honorable Manish S. Shah

MOTION TO WITHDRAW AS COUNSEL

Gary M. Klinger of Riley Safer Holmes & Cancila LLP, pursuant to Local Rule 83.17, hereby moves this Court for leave to withdraw as counsel of record for Plaintiff Jose M. Feliciano.

In support of this Motion, Mr. Klinger states the following:

1. On December 21, 2012, Plaintiff Jose M. Feliciano initiated these proceedings *pro se* by filing a complaint against Cook County Sherriff Thomas J. Dart, the Cook County Department of Corrections and various individual employees. Dkt. 1.

2. In June of 2014, the Honorable John W. Darrah appointed Karen Newbury of Schiff Hardin LLP (“Schiff Hardin”) as counsel for Mr. Feliciano.

3. On January 23, 2015, undersigned counsel, Mr. Klinger, entered his appearance on behalf of Mr. Feliciano while employed as an Associate attorney at Schiff Hardin. *See* Doc. 84.

4. That same day, Amy M. Rubenstein, Partner at Schiff Hardin, entered her appearance as lead counsel for Mr. Feliciano. Dkt. 85.

5. On January 29, 2015, Ms. Newbury moved to withdraw as counsel for Mr. Feliciano because she would no longer be employed as an attorney at Schiff Hardin. This Court granted Ms. Newbury’s request to withdraw on January 29, 2015. Dkt. 8.

6. On March 1, 2016, Mr. Klinger departed Schiff Hardin and is now practicing at the law firm of Riley Safer Holmes & Cancila LLP.

7. After his departure from Schiff Hardin, Mr. Klinger anticipated continuing to represent Mr. Feliciano in some capacity in coordination with counsel at Schiff Hardin. However, an issue of a serious nature recently developed in Mr. Klinger's personal life that precludes his ability to continue to represent Mr. Feliciano, particularly in light of the upcoming deadlines set forth in the Court's Scheduling Order.¹ *See* Dkt. 101 as amended by Dkt. 112.

8. As noted in an earlier filing, Ms. Rubenstein had been working on a limited basis due to health reasons and currently is on a temporary leave. Dkt. 110, ¶ 6. In light of that, and Mr. Klinger's situation, another Schiff Hardin attorney, David C. Scott, will be filing an appearance in this case this week. Mr. Scott and Mr. Klinger have communicated with defense counsel regarding these developments, including a mutually-agreeable adjustment to the schedule, and Mr. Scott will separately be filing an agreed motion requesting that the discovery schedule be amended.

9. Mr. Klinger has contacted Mr. Feliciano regarding this Motion, including that another Schiff Hardin attorney will be appearing, and Mr. Feliciano has indicated that he does not object to Mr. Klinger's withdrawal.

10. Mr. Klinger is not designated as lead counsel for Mr. Feliciano, nor is he a member of this Court's Trial Bar.

¹ At the Court's request, Mr. Klinger will disclose to the Court the circumstances that led to the filing of this Motion.

11. Mr. Klinger submits that because he is neither lead counsel, nor a member of this Court's Trial Bar, his withdrawal can be accomplished without material adverse effect on the interests of Mr. Feliciano.

For these reasons, Gary M. Klinger respectfully requests that this Court enter an Order allowing Mr. Klinger to withdraw as counsel for Mr. Feliciano and relieving him of any further obligations on behalf of Mr. Feliciano.

Dated: May 11, 2016

Respectfully submitted,

GARY M. KLINGER

/s/ Gary M. Klinger

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CERTIFICATE OF SERVICE

I, Gary M. Klinger, an attorney, hereby certify that on May 11, 2016, I electronically filed a copy of the foregoing Motion to Withdraw with the Clerk of the Court using the ECF System, which will send notification of such filing to those attorneys registered to receive notices.

By: /s/ Gary M. Klinger

Gary M. Klinger